

Maternity, adoption and parental policy			
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## 1. Introduction

Avon and Wiltshire Mental Health Partnership Trust (AWP) (referred to as the Trust in this document) have agreed this policy to ensure that all employees are aware of their entitlements in relation to all aspects of parental rights and benefits.

This policy should be read in conjunction with the [Special Leave Policy](#) and [Health and Safety Policy](#) and [Flexible Working Policy](#).

This policy sets out the provisions provided for in legislation under the Employment Rights Act 1999, Employment Act 2002, the Work and Family Act 2014 and the Equality Act 2010. In addition to statutory rights, this policy also outlines the provisions for NHS employees under Agenda for Change and terms and conditions for medical staff. This includes employee rights in terms of maternity, paternity/partner leave, adoption, shared parental leave, adoption and parental leave.

The Trust has also agreed provisions in relation to long term fostering.

The Trust is committed to supporting staff to achieve a good balance between their working life and parental responsibilities.

## 2. Purpose or aim

The purpose of this policy to provide a comprehensive guidance for managers and employees on the provisions available for parents under legislation, NHS terms and conditions of employment (AfC and medical T&C's), and Trust agreements.

This policy aims to protect staff from unfair treatment and discrimination against protected characteristics under the Equality Act 2010, which include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief, and sex and sexual orientation. Protection from discrimination and the right to equal opportunity is also extended to part-time workers, employees on fixed term contracts and workers with particular political affiliation or trade union membership.

## 3. Scope

This policy applies to all employees of the Trust. Doctors in Training should also refer to the information and fact sheet available on the [NHS Employers website](#).

This policy covers the following provisions set out in legislation or NHS terms and conditions:

- Pregnancy and anti-natal rights
- Maternity leave and pay
- Adoption/Parental Order rights, leave and pay
- Maternity/Adoption support leave (paternity leave)
- Shared Parental leave

## 4. Definitions

**Continuous NHS service** - applies if you have not had a break in NHS service with one or more NHS employer, of more than three months. However, a break in service shall be disregarded (although it will not count towards the period of employment) if you were on a Career Break Scheme approved by the Trust or absent for a period of up to 52 weeks under maternity leave regulations.

**EWC** - Expected week of confinement, means the week in which the baby is predicted to arrive, the week commences on the Sunday.

**KIT Days** – Keeping in Touch Days during Maternity, Adoption or Shared Parental Leave.

**Lower Earnings Limit** – where average weekly earnings for an 8-week period prior to the 15th week before your EWC are not less than the lower earnings limit for national insurance contributions. Thus if basic NI contributions are not paid over the 8 week period there is no entitlement to receive SMP.

**MAT B1 Form** – Medical evidence of the expected date of confinement issued to expectant mothers at 20 weeks.

**Maternity Allowance** – a benefit claimable from the Department of Work and Pensions

**Maternity provision** - refers to the leave and pay to which you may be entitled.

**OMP** – Occupational Maternity Pay – NHS Maternity Pay and Leave provisions

**QW** - Qualifying week – this is the 15th week before the EWC

**SAP** – Statutory Adoption/Surrogacy Pay

**SMP** – Statutory Maternity Pay

**SPP** – Statutory Paternity Pay

**SPL** – Shared Parental Leave

**ShPP** - Statutory Shared Parental Pay

## 5. Roles and responsibilities

### 5.1 Employee

- To be aware of, and follow the Maternity, Adoption and Parental Policy, available on the intranet and meet with your manager to discuss options available for Adoption/Surrogacy Leave, Shared Parental Leave, Paternity Leave and Maternity Leave.
- Complete the appropriate application forms available on Ourspace and as appendices to this policy in relation to Maternity, adoption/surrogacy leave and pay.
- Give to your manager along with either a certificate from an approved adoption agency or a copy of the MAT B1 form.
- Complete the relevant application form available on Ourspace at for Paternity Leave and give this to your manager at least 28 days before you plan to take your leave
- Where possible, arrange for antenatal/postnatal appointments or meetings associated with adoption to be arranged outside of core hours of work
- To notify your manager that you are pregnant, as soon as possible so that a risk assessment can be carried out, and by no later than 15 weeks before your baby is due.
- Discuss with your manager when you would like to commence maternity leave and give 28 days' notice of this date.
- Submit an application for Maternity Leave to the Trust's Payroll Department with a copy sent to Human Resources no later than 15 weeks before your baby is due.
- To comply with health and safety and risk assessment requirements throughout your pregnancy and on return to work if breastfeeding.
- To provide a MAT B1 form at 20 weeks gestation.
- To inform your manager of the date you gave birth.
- To inform your manager of your eligibility and intention to take Shared Parental Leave within the required timescales.

- Submit your application for Shared Parental Leave a minimum of 8 weeks prior to when you want SPL to begin.

## 5.2 Managers

- To ensure the employee has a copy of the Maternity, Adoption and Parental Policy and understands it and, if necessary, seeks further advice from HR on any of the issues mentioned in the policy
- Treat the matter with sensitivity and with the appropriate level of confidentiality at all times
- To meet with the member of staff and discuss paid leave options for the leave they are applying for
- To complete and authorise the appropriate application Appendix attached within this Policy and send to the Human Resources and Payroll Departments
- To ensure a pregnant employee is aware of her rights and obligations under this policy and is afforded the necessary time off for antenatal and postnatal healthcare appointments
- On notification of an employee's pregnancy you should perform a risk assessment and do what is reasonably practicable to control any risk to the health of the mother and unborn child

Respond to the employee in writing within 28 days of receipt of her notification. This must include the date on which she expected to return to work if she takes her full entitlement to maternity leave.

- On return to work an employee who is breastfeeding, should have an agreed plan for doing so, with reasonable time allowed
- To agree with the employee the method for keeping in touch during maternity leave and confirm in writing the 10 keeping in touch days
- To agree with the employee the method for keeping in touch during Shared Parental Leave and confirm in writing the 20 SPLIT days
- To complete the necessary changes forms at the start and end of any paid leave and if necessary, a leavers form, if the employee is not returning to work.
- To inform the Payroll Department of the date of birth
- To respond to requests for Shared Parental Leave accordingly

## 5.3 HR Department

- To provide support and advice to managers and staff about how to use this policy

## 5.4 Payroll and Finance Departments

- Will write to the employee to confirm the relevant Maternity option details and specific payments applicable
- Will ensure that the employee has the necessary service entitlement to receive access to the Trust's OMP scheme
- To ensure that payments are made in line with both current Occupational and Statutory regulations
- To ensure that the necessary proof of pregnancy has been received to satisfy the Department for Work & Pensions regulations for maternity, paternity and adoption/surrogacy leave
- If the employee is a member of the Lease Car Scheme an invoice will be issued to the employee to collect payments during any unpaid period of maternity leave

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- To ensure that payments are made in a timely manner in line with normal salary crediting
- To ensure that the employee's membership of the NHS Pension Scheme is protected during the full period of maternity leave both paid and unpaid

### **6. Training**

Advice and guidance is available from the HR Department when required.

### **7. Monitoring or audit**

Payroll audits will be carried out on the payments arising from this policy, as part of the normal auditing process.

### **8. References**

- [The Shared Parental Leave Regulations 2014](#)
- [The Shared Parental Pay \(General\) Regulations 2014](#)
- [The Maternity and Adoption Leave \(Curtailed of Statutory Rights to Leave\) Regulations 2014](#)
- [Employment Rights Act 1996](#)
- [Child and Families Act 2014](#)
- [Equality Act 2010](#)

### **9. Associated procedures and documents**

- [Entitlements and Procedures for Maternity, Adoption and Partners](#)
- [Shared Parental Leave Procedure](#)
- [Maternity Pay Entitlements Table](#)
- [Adoption Pay Entitlements Table](#)
- [Maternity and Adoption Leave and Pay Flow Chart](#)

<b>Version History</b>				
<b>Version</b>	<b>Date</b>	<b>Revision description</b>	<b>Editor</b>	<b>Status</b>
1.0	18/10/2016	New policy and approved by quality and standards committee	Head of HR	Approved
2.0	19/09/2017	Policy reviewed at GNG. No change to policy. New Maternity and Adoption Pay/Leave Tables and Flow Chart added as associate documents.	Employee Relations Specialist	Approved